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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/036,286

12/31/2001

Nceraj Kumar

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08/28/2007

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EXAMINER

KRAMER, JAMES A

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

08/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/036,286

Applicant(s)

KUMAR ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 30-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Acknowledgement*

Applicant's arguments, see Amendment After Final, filed 7/23/07, have been fully considered and are persuasive. The rejection of claims under 35 USC 112 2<sup>nd</sup> paragraph and 103(a) have been withdrawn.

New grounds of rejection are presented below.

### *Claim Objections*

Claim 14 is objected to because of the following informalities: the claim recites "at least one of the following" which leads one to expect a list of options. The claim only has one option. It is the examiner's opinion that this renders the claims unclear. Appropriate correction is requested.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-4, 7-13, 16-18, 20-22 and 30-35 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Application number 6,334,110 to Walter et al. (hereinafter Walter).**

With respect to claim 1, Walter teaches *determining a plurality of segments of recipients from a plurality of potential recipients of a communication regarding a financial product, each of said plurality of segments including at least one member of said plurality of potential*

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*recipients and having a predetermined associated response rate, wherein a segment's associated response rate is indicative of a member of said segment exhibiting a designated behavior after receiving said communication* (see Abstract; column 1, lines 39-44 and column 8, lines 30-33).

Examiner notes that clusters, as taught by Walter represents Applicant's "segments of recipients." Further, Walter's teaching of the application used in the financial industry represents "regarding a financial product."

With further respect to claim 1, Walter teaches *determining at least one criterion associated with said communication regarding a financial product; and determining at least one of said plurality of segments that may be used to satisfy said at least one criterion* (see for example column 1, lines 40-44 and column 6, lines 47-58).

With respect to claim 2, Walter teaches *receiving demographic information regarding at least one of said plurality of potential recipients* (see for example column 5, line 66 through column 6, lines 12).

With respect to claim 3, Walter teaches *determining responses by at least some of said plurality of potential recipients to at least one previous communication regarding said financial product* (see column 8, lines 30-33). Examiner notes that "analyzing the behavior of customer looking for a car loan" represents "determining response to a previous communication."

With respect to claim 4, Walter teaches *receiving data indicative of said at least one criterion* (see for example column 6, lines 50-58).

With respect to claim 7, Walter teaches *determining an indicative characteristic for at least one of said plurality of segments* (see for example column 6, lines 47-58).

With respect to claim 8, Walter teaches *providing said communication* (see for example column 3, lines 63-67). Examiner notes that “providing an electronic catalog” represents “providing said communication.”

With respect to claim 9, Walter teaches *providing a notification regarding at least one of said plurality of segments that may satisfy said at least one criterion* (see for example column 6, lines 59-65). Examiner notes that distribution of an offer represents “providing notification.”

With respect to claim 10, Walter teaches *wherein said communication is an electronic signal or a message sent to a postal address* (see for example column 3, lines 58-67). Once again Examiner notes that a catalog represents Applicant’s communication.

With respect to claim 11, Walter teaches *determining said at least one criterion* (see for example column 6, lines 47-58).

With respect to claim 12, Walter teaches *determining said designated behavior* (see for example column 5, line 65 through column 6, line 11).

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With respect to claim 13, Walter teaches *purchase of a product with a financial product* (see for example column 8, lines 30-35).

With respect to claim 16, Walter teaches *determining information regarding at least one of said plurality of potential recipients* (see for example column 5, line 65 through column 6, line 12).

With respect to claim 17, Walter teaches *receiving demographic information regarding at least one of said plurality of potential recipients* see for example column 5, line 65 through column 6, line 11).

With respect to claim 18, Walter teaches *determining use by at least one of said plurality of potential recipients of said financial products* (see for example column 8, lines 30-35).

With respect to claim 20, Walter teaches *determining said plurality of potential recipients* (see for example column 6, lines 47-50).

With respect to claim 21, Walter teaches *selecting said communication* (see for example column 3, lines 63-67). Examiner notes that “providing an electronic catalog” represents “providing said communication.” Examiner further notes that in order to provide an electronic catalog it must be selected. As such the examiner asserts that selecting said communication is necessarily present (inherent) when one provides said communication.

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With respect to claim 22, Walter teaches *wherein said communication includes an offer regarding said financial product* (see for example column 8, lines 30-36).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 5-6, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter in view of US Patent number 6,061,658 to Chou et al. (hereinafter Chou).**

Walter teaches all the claimed features as described above. Examiner further notes that Walter teaches where the criterion includes “the analyst may decide . . . a good match for this segment.” However Walter fails to teach deciding said good match based on a recipient pool size (claims 5 and 19), response rate (claim 6), and incremental use of said product over non-recipients of communication (claim 14).

Chou teaches targeted advertisement system utilizing specific targeted statistics such as penetration rate, pool size and response rate (see column 2, lines 25-50). This is done in order to optimize the efficiency of the advertising campaign.

It would have been obvious to one of ordinary skill in the art to modify the selection criteria of Walter to include the specific statistics of Chou in order to optimize the efficiency of the advertising campaign.

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**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walter in view of Official Notice.**

Walter teaches all of the claimed limitation except wherein the financial product is a credit card or debit card. Examiner notes that Walter teaches that the invention “may be used in the financial industry” (column 8, lines 30-33). Examiner takes Official Notice that credit cards and debit cards are old and well-known financial products in the financial industry.

As such it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Walter to specify the financial products could be credit or debit cards as are old and well known financial products. One of ordinary skill in the art would have been motivated to make this modification in order to provided targeted ad campaigns to users of credit and debit cards.



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***Conclusion***

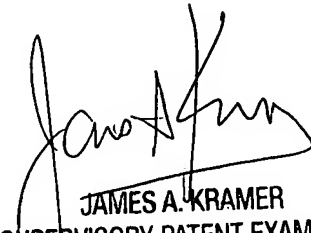
As noted above, the finality of the previous Office action has been withdrawn. This Office action is hereby made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jak

 8-27-07  
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